IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CASE NO.: **CWP No.13322 of 2006**

DATE OF DECISION: August 24, 2006

HARI SINGH ...PETITIONER

VERSUS

DIRECTOR RURAL DEVELOPMENT AND PANCHAYAT DEPTT., CHANDIGARH AND OTHERS ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ASHUTOSH MOHUNTA.
HON'BLE MRS. JUSTICE NIRMAL YADAV.

PRESENT: MR. KULDIP SANWAL, ADVOCATE FOR THE PETITIONER.

ASHUTOSH MOHUNTA, J. (ORAL)

The petitioner has impugned the orders, Annexures P-2 and P-3 passed by the Deputy Commissioner and the Commissioner by which the petition filed by the petitioner under Section 11 of the Punjab Village Common Lands (Regulation) Act, 1961 for declaration that the petitioner be declared to be the owner of the land was dismissed.

Learned counsel for the petitioner contends that the land in dispute was Banjar Qadim and he should be declared as owner of the same.

After hearing counsel for the petitioner, we are of the considered opinion that when the land was described as Banjar Qadim in the revenue records then the petitioner cannot claim ownership of the same. Apart from the above, the petitioner has been taking the land in dispute on chakota and therefore, once the petitioner takes the land on lease, he cannot claim ownership over the same.

In view of the above, we find no merit in the writ petition and the same is dismissed.

(ASHUTOSH MOHUNTA)
JUDGE

August 24, 2006
Gulati

(NIRMAL YADAV)
JUDGE